

EMPLOYMENT HISTORY

Professor of Law, University of Colorado Law School, 2005-present, Director, Natural Resources Law Center 2005-2013; Director, Natural Resources, Water, and Public Lands Program, Getches-Wilkinson Center, 2013-present
Faculty website: <http://lawweb.colorado.edu/profiles/profile.jsp?id=189>
Visiting Scholar, University of Edinburgh Law School, Edinburgh, Scotland, Fall, 2012, May-June, 2015
Professor of Law and Director, Natural Resources Law Center, University of Colorado Law School, July 2005 to 2013
Charles Fornoff Professor of Law and Values, University of Toledo College of Law, February 2005-July 2005; Professor of Law, August 2002 – February 2005
Professor, University of Wyoming, College of Law, July 1986 - July 2002; *Winston S. Howard Professor of Law*, July 1993-July 1996; Visiting Associate Professor, 1984 - 1985
Special Assistant to the Solicitor, U.S. Department of the Interior, Washington, D. C., May 2000 – January 2001
Visiting Associate Professor of Law, West Virginia University College of Law, Morgantown, West Virginia, 1995-1996
Director of Litigation: Environmental Policy Institute, Washington, DC. (*Legal representation for national environmental organization*), November 1981 - July 1984
Attorney Advisor: U.S. Department of the Interior, Office of the Solicitor, Washington, D.C., (Honors Program, 1978), October 1978 - October 1981
Seismic Analyst: Seismograph Service Corporation (Division of Raytheon Corp.), Alma, Michigan; Algiers, El Golea, and Ouargla, Algeria, July 1974 - August 1975

EDUCATION

University of Utah College of Law, Salt Lake City, Utah, J.D., May 1978. Top 10%; Associate Editor, *Utah Law Review*; Associate Editor, *Journal of Contemporary Law*; Co-founder, Natural Resources Law Forum
Michigan State University, East Lansing, MI, B.S. –Mathematics (*magna cum laude*), June 1974

RECENT U.S. CONGRESSIONAL TESTIMONY

Testimony on the Bureau of Land Management's Planning 2.0 Initiative before the Subcommittee on Public Lands, Forests, and Mining, Senate Committee on Energy and Natural Resources (21 June 2016)
Testimony on H.R. 5259, Certainty for States and Tribes Act, before the Subcommittee on Energy and Mineral Resources, House Natural Resources Committee (14 June 2016)
Testimony on Federal Oil and Gas Leasing Policy before the U.S. House of Representatives Investigations, Oversight, and Regulations Subcommittee of the Small Business Committee (8 March 2012)
Testimony in support of the Obama Administration's Wild Lands Order before the U.S. House of Representatives Committee on Natural Resources (1 March 2011)
Testimony on The Consolidated Land, Energy, and Aquatic Resources Act of 2009 (CLEAR Act) before the U.S. House of Representatives Committee on Natural Resources (17 September 2008)

Testimony on the Need for Legislation on Coal Ash Disposal before the U.S. House of Representatives Subcommittee on Energy and Mineral Resources of the House Committee on Natural Resources (10 June 2008)

Testimony in support of The Clean Water Restoration Act of 2007 (H.R. 2421) before the U.S. House of Representatives Committee on Transportation and Infrastructure (16 April 2008)

OTHER PROFESSIONAL TESTIMONY AND ENGAGEMENT WITH GOVERNMENT

Testimony before the Nevada Federal Lands Task Force (On the authority to claim ownership over federal public domain lands.), December 6, 2013

Meetings with Interior Department Officials on Reforming the Public Land Use Planning Process, February 20-21, 2014; April 10, 2016

PUBLICATIONS

Books

ENVIRONMENTAL DECISIONMAKING FOR THE 21ST CENTURY (2016)

NATURAL RESOURCES LAW AND POLICY (with Rasband and Salzman) (2004; 2nd ed., 2009, 3d ed. 2016)

THE STRIP MINING HANDBOOK (1990; 2nd ed. 2012 (2d ed. online only))

THE NEPA LITIGATION GUIDE (Co-editor with Al Ferlo and K. Sheldon) (1999; 2d ed. 2012)

ENVIRONMENTAL LAW, Vol. 1: ENVIRONMENTAL DECISION-MAKING, (1989; 2nd ed., 1994 (with Battle and Fischman); 3rd ed., 2000 (with Fischman))

ENVIRONMENTAL LAW, Vol. 3: AIR POLLUTION, (1988; 2nd ed., 1992; 3rd ed., 1999)

ENVIRONMENTAL LAW ANTHOLOGY (with Fischman and Lipeles) (1996)

Book Chapters

NEPA and Climate Change, in THE NEPA LITIGATION GUIDE (American Bar Ass'n, 2d ed. 2012)

Accounting for Water Rights in the Western United States, in INTERNATIONAL WATER ACCOUNTING: EFFECTIVE MANAGEMENT OF A SCARCE RESOURCE (2012)

Embracing a Civic Republican Tradition in Natural Resources Decision-Making, in THE EVOLUTION OF NATURAL RESOURCES LAW AND POLICY (2010)

MANAGING COAL COMBUSTION RESIDUES IN MINES, Principal author of *Chapter 5: Current Regulatory Framework*, and a contributor to the entire book; (National Research Council of the National Academies, 2006)

The Antiquities Act and the Exercise of Presidential Power: The Clinton Monuments, in THE ANTIQUITIES ACT: A CENTURY OF AMERICAN ARCHAEOLOGY, HISTORIC PRESERVATION, AND CONSERVATION (2006)

Laws and Regulations Pertaining to Wetland Areas in the Intermountain West (co-author with Maureen Ryan), in MANAGING WETLANDS IN THE INTERMOUNTAIN WEST, (2004)

Wyoming Environmental Law (with Edward Harris, in ENVIRONMENTAL LAW TREATISE (1992)

Wyoming Water Law, in WATER AND WATER RIGHTS TREATISE, (1991; revised 1994, revised 2005)

Common Law Protection for Our National Parks, in OUR COMMON LANDS: DEFENDING THE NATIONAL PARKS (1988)

Articles

Rethinking Public Land Use Planning (in progress)

The Public Interest in Western Water Law (in progress)

- Presidents Lack Authority to Abolish or Diminish National Monuments*, 103 VA. L. REV. ONLINE 55 (2017) (with E. Biber, S. Hecht, & N. Bryner)
- Water Resources and the Public Interest*, (to be presented at the XVIth World Water Congress in Cancun, Mexico, May, 2017, with Liber Martin, University of Mendoza, Argentina)
- Managing Unconventional Oil and Gas Development as if Communities Mattered*, 40 VT. L. REV. 525 (2016)
- Marketing Conserved Water* (with Anthony McLeod) 46 ENVTL L. 1 (2016)
- Grazing in Wilderness Areas*, 44 ENVTL. L. 415 (2014)
- Meaningful Engagement in Public Lands Decisionmaking*, 59 ROCKY MTN. MIN. L. FND. 21-1 (2013)
- The Tragic Story of the Federal Coal Leasing Program*, 27 NAT. RES. & ENV. 29 (Winter, 2013)
- Water Transfers for a Changing Climate*, 53 NAT. RES. J. 55 (2012)
- The Water Marketing Solution*, 42 ENVTL L. REP. 10800 (2012)
- The Judicial Assault on the Clean Water Act*, 59 FED. LAW. 33 (2012)
- NEPA, Climate Change, and Public Lands Decision-making* (with Alexander Hood), 42 ENVTL. L. 469 (2012)
- Climate Change and Institutional Competence*, 41 TOLEDO L. REV. 889 (2010)
- Rethinking the Great Lakes Compact*, 2006 MICH. STATE L. REV. 1347 (2007)
- From Navigable Waters to Constitutional Waters: The Future of Federal Wetlands Regulation*, 40 MICH. J. L. REFORM 799 (2007)
- Let the People Speak: Notice and Comment Rulemaking (Lessons from the Controversial New Source Review Proposal of the Clean Air Act)* (with Victor B. Flatt, Michael O'Hear, and Robert R.M. Verchick). 34 ENV. L. REP. News and Analysis 10115 (2004).
- The Monumental Legacy of the Antiquities Act of 1906*, 37 GA. L. REV. 473 (2003).
- Managing Interjurisdictional Waters under the Great Lakes Charter Annex* (with Zellmer). 18 NAT. RES. & ENV. 8 (Fall 2003).
- Mining Law Reform, Administrative Style* (with Patrick Garver). 45 ROCKY MTN. MIN. L. FND. 14-1 (1999).
- Applying the Park City Principles to the Endangered Species Act*, 31 LAND & WATER L. REV. 385 (1996)
- An American Perspective on Environmental Impact Assessment in Australia*, 20 COLUMBIA J. ENV. L. 43 (1995)
- Transferring Indian Reserved Rights to Instream Flows: Lessons from the Big Horn Adjudication*, 4 RIVERS 48 (1993)
- One Hundred Years of Wyoming Water Law*, 24 LAND & WATER L. REV. 93 (1991).
- Water Marketing in Wyoming*, 31 ARIZ. L. REV. 865 (1989).
- A Critical Look at Wyoming Water Law*, 24 LAND & WATER L. REV. 307 (1989).
- The Enduring Vitality of the General Mining Law of 1872*, 18 ENV. L. REP. News and Analysis 10261 (July 1988)
- Cooperative Federalism Under the Surface Mining Control and Reclamation Act: Is this Any Way to Run a Government?*, 87 W. VA. L. REV. 687 (1985), excerpted in ENVIRONMENTAL LAW REPORTER, News and Analysis, Vol. XV, p. 10039-10047 (1985)

Recent Editorials

- [National Monuments: Presidents Can Create Them, but Only Congress Can Undo Them](#) with E. Biber, S. Hecht, & N. Bryner), The Conversation, April 27, 2017
- [The Endangered Antiquities Act](#), (with John Leshy), New York Times, March 31, 2017

[Why Obama's National Monument Decisions Should Stand](#), (with John Bernetich), CNN, Feb. 8, 2017
[Reclaim Our Coal Mines Now, Not Later](#), The Hill, June 29, 2016

[Managing Federal Coal as if Carbon Emissions Mattered](#), DENVER POST, December 11, 2015

[Managing Coal's Decline](#), WYOFIELD, August 11, 2015, available at,

[Let's Protect All Our Nation's Waters](#), High Country News, Syndicated Column for Writers on the Range series, June, 2014

[High Time to Reform Federal Coal Leasing Program](#), MISSOULIAN, Sep 24, 2013 (with Tom Sanzillo)

[The Market Knows Best – The Real Story Behind Drilling on Public Lands](#), Huffington Post, June 13, 2013

It's No Fun Being a Criminal: Colorado Ought to Allow River Access for All, Syndicated Column for High Country News, Writers on the Range series, February 19, 2010

An Endless Journey: Future of Roadless Areas Unresolved, DENVER POST: PERSPECTIVES, October 15, 2006.

Nibbling Away at a Good Law, DENVER POST: PERSPECTIVES, May 21, 2006.

Time for a Real Energy Plan, DENVER POST: PERSPECTIVES, August 21, 2005.

LITIGATION EXPERIENCE

Wyoming v. United States Dep't of the Interior, (Case pending before the U.S. Court of Appeals for the 10th Circuit) (Pro bono co-author of amicus curiae brief on behalf of environmental law and public lands law professors)

High Country Citizens Alliance v. Clarke, 454 F.3d 1177 (10th Cir. 2006), cert. denied, 550 U.S. 929 (2007) (Pro bono author of amicus curiae brief on behalf of administrative law and public lands law professors)

Coalition for Sustainable Resources v. U.S. Forest Service, 48 F. Supp.2d 1303 (D. Wyo. 1999) *aff'd.*, 259 F.3d 1244 (10th Circuit Court, 2001) (Pro bono counsel for Intervener, Biodiversity Associates)

Friends of the Bow v. Thompson, 124 F.3d 1210 (10th Cir. 1997) (Pro bono counsel: Friends of the Bow)

Dorrance v. McCarthy, 957 F.2d 76 1(10th Cir. 992) (Pro bono counsel: Intervener, National Wildlife Federation)

Powder River Basin Resource Council v. Babbitt, 54 F.3d 1477 (10th Cir. 1995) (Pro bono counsel for PRBRC)

Illinois South Project v. Hodel, 844 F.2d 1286 (7th Cir. 1988) Pro bono counsel for Illinois South Project

National Wildlife Federation v. Hodel, 839 F.2d 694 (D.C. Cir. 1988) (Pro bono counsel for various plaintiffs)

Virginia Citizens for Better Reclamation v. Watt, 20 BNA Env. Rep. Cases 2235 (4th Cir. 1984)

Holmes Limestone Company v. Watt, 655 F.2d 732 (6th Cir. 1982)

Virginia Surface Mining and Reclamation Ass'n v. Andrus, 483 F. Supp. 425 (W.D. Va. 1980), *rev'd sub nom.*, *Hodel v. Virginia Surface Mining Ass'n*, 452 U.S. 264 (1981)

RECENT INVITED PRESENTATIONS AND WORKSHOPS

- ABA Webinar: What Can Environmental Lawyers Expect from the New Trump Administration and Congress? Feb. 14, 2017
- Environmental Law Boot Camp, (presented to approximately 100 congressional staff members in Washington D.C., with six colleagues from Harvard, Virginia, Vanderbilt, & Univ. of Washington) January 25, 2017
- Environmental Policy in the Trump Administration, Summit at Harvard Law School, December 2, 2016

- *Sustainable Water Markets Workshop*, Bren School UC Santa Barbara, November 18-19, 2016
- *Unbundling Water Rights: Piloting Efforts to Apply the Australian Experience in the American West*, Texas Water Law Institute, University of Texas Law School, Austin, Texas, November 3, 2016
- *Reclamation Liability under the Surface Mining Control & Reclamation Act (SMCRA)*, U.S. Coal in the 21st Century: Markets, Bankruptcy, Finance, and Law, The Sabin Center for Climate Change Law and the Center on Global Energy Policy at Columbia University, New York, New York, September 7-8, 2016
- *Managing Water Resources in the American West*, Water Acquisition & Management for Oil & Gas Development: Legal & Regulatory Requirements, RMMLF, Houston, Texas – April 7, 2016
- *Managing Unconventional Oil and Gas Development*, Denver University Law School seminar, February 8, 2016
- *Training Workshop on Coal Issues for NGOs in India*, New Delhi, India, February 26-March 5, 2016
- *Managing Unconventional Oil and Gas Development*, UC Santa Barbara, November 6, 2015
- *Environmental Rights as Human Rights: Understanding the Environmental Impacts of Unconventional Oil and Gas Development*, Vermont Law School, September 25, 2015
- *Marketing Conserved Water*, World Water Congress XV, Edinburgh, Scotland, May 25-29, 2015
- *NEPA Workshop*, Bill Cohen Summit, December 2-3, 2014, Perkins Coie, Washington, DC
- *Creating a Sustainable Water Supply*, United Nations Association of Boulder, UMC, October 26, 2014
- *Emerging Issues at the Intersection of Energy and Water*, Louisiana State University Law Center, October, 3, 2014
- *Grazing in Wilderness Areas*, Lewis & Clark Law School, April 10, 2014
- *Landscape Planning on Public Lands*, George Washington University Law School, March 13, 2014
- *Federal Lands Task Force (On the authority to claim ownership over federal public domain lands.)*, December 6, 2013
- *Great Lakes Workshop*, SUNY Buffalo Law School, October 3-4, 2013
- *Whistle Stop Tour on the Federal Coal Leasing program*, Four presentations in Cheyenne, Wyoming, Billings, Montana and Helena Montana over the course of three days (August 20-22, 2013)
- *Meaningful Engagement in Public Lands Decisionmaking*, 59 ROCKY MTN. MIN. L. FND. 21-1 (2013)
- *Water Marketing and the Colorado River*, Georgia State University Law Review Symposium, February 8, 2013
- *The Tragic Story of the Federal Coal Leasing Program*, Stanford University, Fossil Fuels Class, February 4, 2013
- *Accounting for the Social Cost of Coal in Decisionmaking*, University of Dundee, December 5, 2012; University of Edinburgh, December 2, 2012
- *The Environmental Impacts from Unconventional Oil and Gas Development*, University of Aberdeen, November 30, 2012
- *Instructor, Surface Mining Control and Reclamation Act Training Workshop*, Pittsburgh, PA, July 29-31, 2011; Boulder, CO, June, 2012
- *The Future of the Colorado River*, Colorado River District's Annual Water Seminar, Grand Junction, CO, September 15, 2011
- *Downsizing Dependence on the Colorado River*, California Water Policy Conference, Los Angeles, CA, March 3-4, 2011
- *The Monumental Legacy of the Antiquities Act*, National Park Service, Page, Arizona, April 23, 2010
- *Climate Change and Institutional Competence*, University of Toledo Law Review Symposium, March 26, 2010

SIGNIFICANT SERVICE

Water Resources Advisory Board, City of Boulder, 2013-present, chair, 2017-2018 (*appointed by Boulder City Council*)
Board of Directors, Earthworks, 2013-present
Advisory Board, Western Mining Action Project, 2012-present
Trustee, Rocky Mountain Mineral Law Foundation, 1996-2002, 2009 to present
Editor, Mineral Law Newsletter, Rocky Mountain Mineral Law Foundation, 1991 to present
Vice-Chair, Public Lands and Land Use Committee, Section on Natural Resources, Energy and Environmental Law, American Bar Association, 1988–1998
Chair, Book Publications Committee, Section on Natural Resources, Energy and Environmental Law, American Bar Association, 1998-2001; Vice-Chair, 1995–1998, 2003 to present.
Member-at-Large (elected University-wide), University of Colorado Boulder Faculty Assembly, August 2008 – May, 2011
Member, Steering Committee, IUCN (The World Conservation Union), Environmental Law Commission, 1997 - 2005
Member, National Academy of Sciences, Committee on Mine Placement of Coal Combustion Wastes, November, 2004 - 2006
Board of Directors, Great Lakes United, 2004-2005
Chair, AALS Executive Committee on Environmental Law, January 2001 – January 2002 (Committee member, 1997-2003)

OTHER ACHIEVEMENTS

Visiting Professor, Jean Moulin Université, Lyon, France Summer, 2015, (taught International Water Law through a program sponsored by Louisiana State University)
Visiting Professor, University of Edinburgh Law School, Fall, 2012, (co-taught Comparative Environmental Law)
Clyde Martz Distinguished Teaching Award, Rocky Mountain Mineral Law Foundation, 2012
Visiting Professor, Oxford University, England, Summer 2010 (taught International Environmental Law through the Study Abroad program at University of San Diego)
Committee Chairperson of the Year, University of Wyoming Faculty Senate Award, 1999-2000
Visiting Professor, Northwestern School of Law, Lewis & Clark College, Summer 1999
Distinguished Visiting Professor, Dickinson School of Law, October 1996
Fulbright Lecture/Research Award, The Australian National University, Canberra, Australia, 1993
Included lectures at the University of the South Pacific, Fiji, and throughout Australia
Legal Volunteer Award, Wyoming Outdoor Council, 1992